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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,299	03/25/2004	Saul Shapiro	S-370	9656
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P. O. BOX 82788			WASSUM, LUKE S	
PORTLAND, OR 97282-0788				
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/811,299	Applicant(s) SHAPIRO, SAUL	
	Examiner Luke S. Wassum	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050518;20050519</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Invention

1. The claimed invention is an interactive system for storing information, images and the like in a 'life time journal'.

Priority

2. The Applicant's claim to domestic priority under 35 U.S.C. § 119(e) based upon U.S. Provisional Application 60/457,676, filed 25 March 2003, is acknowledged.
3. The examiner notes that there is additional subject matter in the specification of the utility patent application. The priority dates of the claims will be determined on a claim-by-claim basis.

Information Disclosure Statement

4. The Applicants' Information Disclosure Statements, filed 18 and 19 May 2005, have been received and entered into the record. Since the Information Disclosure Statements comply with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached forms PTO-1449.

Claim Objections

5. Claims 4-6 and 9-11 are objected to because of the following informalities:

Regarding claim 4, the limitation that the system comprises a coaching, advice and instruction system is not patentably limiting, but merely characterizes the system. Specific functionality which renders the system a coaching, advice and instruction system needs to be claimed.

Claims 5 and 6, incorporating the deficiencies of parent claim 4, are likewise objected to.

Regarding claim 9, the limitation that the system "connects generations in ways previously inconceivable" is not patentably limiting.

Claims 10 and 11, incorporating the deficiencies of parent claim 9, are likewise objected to.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claim 8, the lack of disclosure as to how the system enables users to maintain relationships and connections throughout their life renders the claim indefinite.

9. Claim 8 provides for the use of the interactive life time journal system, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claim 8 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition

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of a process, i.e., results in a claim which is not a proper process claim under 35

U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 3 and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Freeman** ("The Lifestreams Software Architecture").

14. Regarding claim 1, **Freeman** teaches an interactive lifetime journal system as claimed, comprising:

a) database store for keeping user journal data (see section 2.1.1 What is a Lifestream?, page 14); and

b) an interface for querying and receiving/supplying information from the user

to store in the database and to the user (see section 2.2.5 Constructing a "User Interface", pages 32-33; see also Computing Search Queries, page 46).

15. Regarding claim 9, **Freeman** teaches a digital archived system adapted to archive for all of one's important documents and life artifacts beyond the reach of a single lifetime, thereby connecting generations in ways previously inconceivable (see section 2.1.1 What is a Lifestream?, page 14).

16. Regarding claim 3, **Freeman** additionally teaches an interactive lifetime journal system wherein said system is adapted to record an entire lifetime of information and data, from conception to the grave (see section 2.1 Concept, page 12, the disclosed system being fully capable of operation beginning at conception).

17. Regarding claim 8, **Freeman** additionally teaches an interactive lifetime journal system wherein said system enables users to maintain relationships and connections throughout their life (see sections 5.2 Electronic Mail and section 5.3 Contact Management, pages 96-101).

18. Regarding claims 10-13, **Freeman** additionally teaches a system wherein said system is divided into specific "Life Stage Concepts" to enable a journaling process to be broken up into discrete segments, including birth related, school age related, post school related, family related, relationship related, post family life related and preparing for death related (see disclosure of substreams, analogous to the claimed "Life Stage Concepts", section 2.2.3 Streams and Substreams, pages 21-26; see also section 3.2.3 Substream Storage Subsystem, pages 47-48, which could be used to create the claimed discrete segments).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeman** ("The Lifestreams Software Architecture") as applied to claims 1, 3 and 8-13 above, and further in view of **Walker et al.** (U.S. Patent Application Publication 2002/0052768).

22. Regarding claim 2, **Freeman** teaches a system substantially as claimed.

Freeman does not explicitly teach a system further comprising a product/service vendor tie-in system for connecting a user with a particular vendor related to a topic of interest or use to the user.

Walker et al., however, teaches a system further comprising a product/service vendor tie-in system for connecting a user with a particular vendor related to a topic of

interest or use to the user (see Abstract; see also paragraphs [0007], [0008]).

It would be obvious to one of ordinary skill in the art at the time of the invention to incorporate a product/service vendor feature into an interactive life time journal system, since this would simplify the execution of tasks making up a life event by the user.

23. Regarding claim 4, **Walker et al.** additionally teaches a system comprising a coaching, advice and instruction system (see paragraphs [0008] and [0012], disclosing know-how maps to plot out the tasks required to be fulfilled in relation to personal life events).

It would be obvious to one of ordinary skill in the art at the time of the invention to incorporate a know-how map feature into an interactive life time journal system, since this would simplify the execution of tasks making up a life event by the user.

24. Regarding claim 5, **Walker et al.** additionally teaches a system further comprising a product/service vendor tie-in system for connecting a user with a

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particular vendor related to a topic of interest or use to the user (see Abstract; see also paragraphs [0007], [0008]).

It would be obvious to one of ordinary skill in the art at the time of the invention to incorporate a product/service vendor feature into an interactive life time journal system, since this would simplify the execution of tasks making up a life event by the user.

25. Regarding claim 6, **Freeman** additionally teaches an interactive lifetime journal system wherein said system is adapted to record an entire lifetime of information and data, from conception to the grave (see section 2.1 Concept, page 12, the disclosed system being fully capable of operation beginning at conception).

26. Regarding claim 7, **Walker et al.** additionally teaches a system wherein said system enables users to access myriad pertinent vendors, products and services, appropriate to various life stages and at the precise time they are needed (see Abstract; see also paragraphs [0007], [0008]).

It would be obvious to one of ordinary skill in the art at the time of the invention to enable users to access myriad pertinent vendors, products and services in an

interactive life time journal system, since this would simplify the execution of tasks making up a life event by the user.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lansdale et al. ("Using Memory for Events in the Design of Personal Filing Systems") teaches a prototype interface, MEMOIRS [Managing Episodic Memory for Office Information Retrieval Systems] designed to support the management of personal information.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (571) 273-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Luke S. Wassum
Primary Examiner
Art Unit 2167

lsw
12 December 2006